

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 23-751-DHU

RODERICK WHITE,

Defendant.

UNOPPOSED MOTION TO PRODUCE PRE-CONVICTION PRESENTENCE  
INVESTIGATION REPORT (FORM 13)

Defendant Roderick White, by and through his counsel of record Assistant Federal Public Defender Dennis J. Candelaria, respectfully moves the Court to order the preparation of a pre-conviction Form 13 presentence investigation report limited to a determination of Mr. White's offense level, criminal history and sentencing range under the United States Sentencing Guidelines in this case. In support, Mr. White states:

1. Mr. White was arraigned on May 31, 2023, on a four-count indictment alleging Possession with the Intent to Distribute 50 Grams and More of Methamphetamine in Violation of 21 U.S.C. 841(a)(1) and (b)(1)(A), Possession with the Intent to Distribute 40 Grams and More of Fentanyl in Violation of 21 U.S.C. 841(a)(1) and (b)(1)(B), Possession of a Firearm in Furtherance of a Drug Trafficking Crime in Violation of 18 U.S.C. 924(c), and Possession of a Firearm and Ammunition by a Felon in violation of 18 U.S.C. 922(g)(1) and 924. (Doc. 47).

2. There are significant questions regarding the application of the United States Sentencing Guidelines and statutory sentencing enhancements, and the qualification of prior convictions towards criminal history points, which could have a material bearing on Mr. White's potential sentencing exposure. This in turn could have a material bearing on the course this case

may take. Preparation of a Form 13 Pre-Conviction Presentence Report will allow Mr. White to make decisions about his case with confidence that his decisions are based on a full understanding of the consequences.

3. An accurate assessment of Mr. White's criminal history would aid both parties in formulating and negotiating an appropriate resolution of this case. Counsel cannot competently advise Mr. White of the consequences of a plea or trial without a better understanding of his criminal history. A full and accurate understanding of the consequences of a plea or trial will promote judicial economy by avoiding uncertainties at the trial level and potential litigation after the conclusion of this case.

4. Determination of the offense level, criminal history, and sentencing range under the United States Sentencing Guidelines is all that is required at this time and Mr. White is not requesting that the U.S. Probation Office conduct an interview with him or conduct a personal history investigation at this stage of the proceedings.

5. Counsel for Mr. White has communicated with Supervisory United States Probation Officer Jeff Martinez-Spelich who agrees that a Form 13 is appropriate in this case.

6. Counsel for the United States, Sean Long, also does not oppose this request.

WHEREFORE, Mr. White respectfully requests that this Court order the preparation of a pre-conviction presentence report limited to a determination of Mr. White's offense level, criminal history, and sentencing range under the U.S. Sentencing Guidelines.

Respectfully Submitted,

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